

47. (new claim) The reheatable food product of Claim 29 wherein said coating is applied to said portion of the outermost surfaces at a rate of approximately 0.2 to 0.3 grams per square inch.

### **REMARKS**

Claims 1-45 remain pending in the present application. Amendments have been made for purposes of overcoming the Examiner's rejections under 35 USC § 112 and for correcting a typographical error in Claim 30. No amendments have been made in view of the relied on art. New claims 46 and 47 have been presented for consideration by the Examiner. Applicants believe that all of the claims are now allowable over the art of record.

### **The § 112 Rejections**

The Examiner rejected claims 1-45 under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Initially, with regard to claim 1, the Examiner states that it is not understood what is meant by "an outermost farinaceous layer defining one or more outermost surfaces." Applicants respectfully disagree. The term "farinaceous" is generally accepted as referring to materials that are at least rich in starch such as breads.

It should be appreciated that farinaceous products may include an unlimited variety of peripheral outlines, several of which are described in the present application. As an example, a filled sandwich includes a pair of opposing bread slices which cooperate to form an outermost farinaceous layer. This outermost layer defines an outermost surface configuration having a pair of opposing major surfaces separated by a thickness of the sandwich. Hence, the outermost farinaceous layer defines an outermost surface configuration having six distinct surfaces. It is clear to Applicants that any product having an outermost farinaceous layer must define at least one outermost surface. For example, the product could have one outermost surface defined by the outermost layer if the product is spherical in shape. As another example, a doughnut has a single, continuous, but curved outermost surface. Accordingly, claim 1 was styled by Applicants in a way that is intended to cover a baked product having any outermost surface configuration wherein any portion of any one of the outermost surfaces is treated in the contemplated manner. Clearly, such a configuration is described in the present application in which the opposing major surfaces of a sandwich are treated. Such treatment is shown being applied to one of the major surfaces in Figure 3.

With continuing reference to Claim 1, the Examiner is concerned that the body of the claim is not commensurate with its preamble. Applicants respectfully disagree. It is submitted that producing the product is generally set forth by the language: "In producing a reheatable food product..." Moreover, Applicant's intent is to cover any method in producing a reheatable food product which includes the recited step within such a process. Moreover, Applicants are unaware of any requirement to present a claim in a Jepson format. Should the Examiner disagree, a suggestion of alternative language, acceptable to the Examiner, is respectfully requested for consideration by Applicants.

Claim 2 has been amended in a way which is thought to particularly point out that the layer may contain any one of, all of, or any combination of the recited farinaceous grains.

Claim 3 has been amended in a way which is thought to particularly point out and distinctly claim that which Applicants regard as the invention. As the coating is heated, it continuously melts and resolidifies with penetration of the farinaceous layer. This melting and resolidifying process occurs continuously with progression of the heating process, as is described in detail at page 2, lines 18-22 and page 9, line 25 to page 10, line 2, of the present application to provide a highly advantageous systematic reheating process in which (1) heat is conducted rapidly to the interior of the product and (2) to prevent surface accumulation of heat so as to avoid burning. Applicants respectfully submit that the claim language is sufficiently clear in this light.

With regard to claim 14, the Examiner has asked for clarification regarding the term "major outermost surfaces" and, more specifically, for the meaning of the word "major." The World Book Dictionary defines "major", in its primary sense, as "more important; larger; greater." Consistent with this definition, "major outermost surfaces" are taken to be the larger or greater surfaces in the peripheral outline of the baked product. This is clearly illustrated by Figure 3 of the present application in which an upwardly facing major surface of sandwich 10 is receiving a coating in accordance with the present invention. In view of the foregoing, Applicants respectfully submit that the language of claim 14 is sufficiently clear.

Claim 23 has been amended in a way which is thought to address the Examiner's concerns using language reflected directly in the specification, for example, page 7, lines 24-27, and of the application. Similar amendments have been made in claim 26.

Claim 28 has been amended consistent with the amendments described above regard to claims 1 and 23. Moreover, the Examiner's concerns with regard to claim 29 are thought to have been addressed above with discussions directed to claim 1.

Discussions above, with respect to amended claim 14, apply equally to amended claim 29.

Claim 30 has been amended to correct a typographical error, however, it is respectfully submitted that the Examiner's concerns have been addressed above with regard to claim 2.

Claim 43 has been amended in a manner that is consistent with the amendments made to claim 23 and is, therefore, respectfully submitted to overcome the Examiner's § 112 concerns.

In view of the amendments above in conjunction with the descriptions provided by the specification, Applicants respectfully submit that all of the Examiner's § 112 rejections have been overcome with regard to Claims 1-45.

#### **The § 103 Rejections**

The Examiner rejected Claims 1-45 under 35 USC 103(a) as being unpatentable over U.S. patent no. 3,690,898, issued to Partyka. Applicants respectfully traverse. Initially, considering the limitations of claim 1, is important to understand that this claim encompasses coating at least a portion of the outermost farinaceous surfaces with a high solid fat index lipid mixture thereby forming a layer of the coating material. The Partyka reference, in contrast, teaches the use of a hydrocolloid applied to the innermost major surfaces of confronting slices of bread that are used in the making of a sandwich having a

filling. As will be described below, it is submitted that Partyka does not serve as an effective reference as against the present invention.

As a first concern with reference to Partyka, it should be appreciated that the coating in claim 1 is applied to surfaces which are exactly opposite of those surfaces to which coatings are applied by Partyka. That is, the reference applies its hydrocolloid coating to innermost, confronting surfaces of a pair of bread slices in a sandwich configuration. Claim 1, in contrast, applies a coating to at least a portion of the outermost surfaces of the product. In this sense, Partyka is considered to teach directly away from the present application and is directed to solving a problem that is not related to the limitations of claim 1 in any reasonable way. Specifically, the patent is directed to retaining the filling between the opposing bread slices. Claim 1 is not directed to resolving this difficulty, but rather to an outermost layer which provides for highly advantageous product reheating, particularly in a toaster environment. As described, for example, at page 2, lines 18-22 and page 9, line 26, carrying over to page 10, line 2, of the present application, this layer provides for a highly advantageous systematic reheating process which prevents heat accumulation proximate to the surface of the product to limit or avoid burning while conducting this heat into the interior of the product. Empirical testing has confirmed the effectiveness of the systematic reheating process of the present invention, as described at page 9, lines 19-24 of the specification. Accordingly, it is submitted that Applicants would have no motivation to look to Partyka, with regard to the limitations of claim 1, since a coating applied to inner sandwich surfaces fails to teach disclose or reasonably suggest anything with regard to product reheating, as contemplated by claim 1. For this reason alone, withdrawal of the Partyka reference is respectfully requested; accompanied by allowance of claim 1.

Still addressing the patentability of claim 1 over Partyka, it is again noted that claim 1 requires the application of a high solid fat index lipid mixture so as to form a high solid fat index layer on the coated portions of the outermost surfaces. Partyka, however, utilizes a hydrocolloid layer. Moreover, the Examiner has admitted that Partyka does not disclose the use of a high solid fat index lipid. It is important to understand that the high solid fat index layer of the present invention is used for an entirely different purpose than the hydrocolloid layer used in this reference. That is, the former is used in systematic reheating while the latter is used, in effect, to "glue" a sandwich filling to the inner surfaces of opposing bread slices in an attempt to prevent the filling from leaking out of the sandwich during a reheating process. This adhesive function is clearly described, for example, at col. 2 lines 38-41 of the Partyka patent.

At this juncture, it is appropriate to discuss the difference between a hydrocolloid and a high solid fat index lipid. Initially, it is to be understood that a hydrocolloid is not a fat. A fat is an ester of glycerol and a fatty acid which may be referred to technically as a glyceride. Such materials are lighter than water and are poor conductors of heat. Fats are hydrophobic. That is, a fat repels water and will not form a solution with water. A hydrocolloid, in contrast, is a substance that is hydrophilic (water-loving) and will form a gel with water.

Based on the brief discussion immediately above, it is readily apparent that hydrocolloids and fats are not interchangeable. Because of these differences, it is submitted that substitution of the hydrocolloid layer of Partyka for the high solid fat index lipid mixture layer of the present invention would result in a product that is inoperative, in view of the teachings of the present invention, and is completely devoid of the advantages that claim 1 provides.

Apparently, the Examiner is suggesting that it is reasonable to modify Partyka in order to arrive at the limitations that are encompassed by claim 1. Applicant's disagree for at least two reasons. It is well-settled in the case law that the mere fact that a prior art structure could be modified to produce the claimed invention does not make the modification obvious, unless the prior art actually suggests the desirability of the modification. In order to meet this standard it is submitted that two suggestions, at a minimum, are missing from Partyka: First, the coating must be moved from an innermost surface to an outermost surface; and, second, the coating must be changed from a hydrocolloid to a high solid fat index lipid mixture. As discussed above, these are materials which exhibit entirely different characteristics and are used for entirely different purposes. It is submitted that these materials are not interchangeable from a functional standpoint. Here, Applicants find no teaching, disclosure or reasonable suggestion of the proposed modifications in the art of record. For this reason standing alone, allowance of claim 1 is respectfully requested.

Applicants are uncertain if the Examiner is relying on Official Notice as providing the suggestions for the proposed modifications. If this is the case, Applicants respectfully traverse the rejection on these grounds and request an express showing of documentary proof, or an affidavit, as required by MPEP § 2144.03, in the event the rejection is maintained on these grounds. Thus, for at least the foregoing reasons, Applicants believe that claim 1 is patentable.

Claims 2-27 each depend either directly or indirectly from and therefore include the limitations of amended Claim 1. Accordingly, it is respectfully submitted that each of these claims, as amended, is also patentable over the art of record for at least the reasons set forth above with respect to amended Claim 1. Further, each of these dependent claims places additional limitations on their parent and intermediate claims which, when considered in light of amended Claim 1, further distinguish the claimed invention from the art of record.

For example, amended claim 3 recites reheating the reheatable product in a toasting environment to cause the high solid fat index layer to transfer heat into the interior of the food product by melting and resolidifying in a way which limits toasting of the outermost surfaces while absorbing into the product.

As another example, claim 4 requires that the high solid fat index lipid is applied to form the outer high solid fat index layer having a thickness in the range of approximately 0.0041 inch to 0.039 inch, while claim 5 characterizes the solid fat index. Claim 5 recites a thickness of the layer as approximately 1/32 of an inch. It is noted that the Examiner has admitted that Partyka does not disclose the layer thickness, much less the layer itself. Moreover, in view of the foregoing discussions of claim 1, it is submitted that Partyka is ineffective as a reference in the present context at least for the reasons that the Partyka hydrocolloid layer is unsuitable for the purposes and functions described in the present application. At the same time, Applicants consider Partyka as teaching directly away from the present application since his coatings are applied to inner rather than outermost surfaces.

As still another example, claim 8 requires application of the coating at a rate of approximately 0.2 to 0.3 grams per square inch. It is submitted that Partyka is clearly devoid of this teaching.

As yet another example, claim 9 requires grilling and cooling of the product before application of the high solid fat index lipid coating. Applicants are unaware of this useful combination of steps in the prior art.

In a further example, claim 10 recites performing the coating step by enrobing while claim 11 requires application of the coating by spraying.

In a continuing example, claim 12 recites that the food product includes a product thickness and the coating step is performed to apply the outer high solid fat index layer at a coating thickness that is based, at least in part, on the product thickness. Claim 13 further recites increasing the coating thickness with relative increases in the product thickness. Applicants respectfully submit that the prior art is devoid of these combinations of limitations.

Claims 14 and 15, in combination, recite sealing peripheral edge portions of opposing farinaceous slices to one another by applying a sealing bead of farinaceous paste to the innermost surface of a first one of the opposing farinaceous slices surrounding a filling, positioning the innermost surface of the second one of the farinaceous slices against the innermost surface of the first farinaceous slice along with the farinaceous paste disposed thereon to spread the farinaceous paste across the peripheral edge portion, and cooking the food product in a predetermined way which bonds the first and second slices to one another with the sealing paste. Applicants find no teaching or reasonable suggestion with regard to the use of a farinaceous paste in Partyka in this manner. Claim 16 adds a further requirement that the farinaceous paste is a mixture of approximately 46% flour and 54% water by weight upon application to the opposing farinaceous slices while claim 17 recites that the sealing bead includes a weight of approximately 8 grams upon application. In this regard, the Examiner admits that Partyka fails to disclose the use of a sealant comprising flour and water. The Examiner then states that Partyka teaches a different sealant material and suggests that it is known in the art to use flour as an adhesive and it would have been obvious to one of ordinary skill in the art to use alternative ingredients to carry out the same function. It appears to Applicants that the Examiner is relying on Official Notice in order to make out this aspect of the claimed combination. If this is the case, Applicants respectfully traverse the rejection on these grounds and request an express showing of documentary proof, or an affidavit, as required by MPEP § 2144.03, in the event the rejection is maintained on these grounds. Thus, for at least the foregoing reasons, Applicants believe that claims 15-17 are patentable.

Claim 18 depends directly from claim 1 and requires dispersing additional solids in the high solid fat index lipid mixture prior to the coating step. Claim 19 further recites that the additional solids include particles formed from a farinaceous mixture that is used to form the outermost farinaceous layer. Claim 19 depends directly from claim 18 and recites that, prior to the coating step, the food product is grilled to provide a desired appearance of the outermost surfaces, and prior to dispersing the particles in the high solid fat index lipid mixture, treating the particles in a way that is intended to maintain the desired appearance of the coated portions of the outermost surfaces when the food product is reheated in a toasting environment. Applicants are unaware of such combination of limitations in the art of record as well as the prior art as a whole. The Examiner admits that Partyka does not teach the use of edible farinaceous particles, but states that it would be obvious to add such particles to obtain different textures and taste. It appears to Applicants that the Examiner is relying on Official Notice in order to make out this aspect of the claimed combination. If this is the case, Applicants respectfully traverse the rejection on these grounds and request an express showing of documentary proof, or an affidavit, as required by MPEP § 2144.03, in the event the rejection is maintained on these grounds. Thus, for at least the foregoing reasons, Applicants believe that claims 18 and 19 are patentable.

As another example, claim 22 recites forming a peripheral edge portion of the product including the outermost

farinaceous layer in way that is intended to limit burning of the peripheral edge portions of the food product while reheating in a toasting environment. One exemplary configuration is shown in Figure 5 of the present application. This feature is considered to be highly advantageous and is heretofore unknown by Applicants with respect to the prior art.

As still another example, claim 23 requires, prior to the coating step, grilling the food product to provide a desired appearance, and formulating the coating in a way that is intended to maintain the desired appearance when the food product is reheated in a toasting environment. Again, this feature is considered to be highly advantageous and is heretofore unknown by Applicants with respect to the prior art.

Claim 24 recites inclusion of a hard butter, maltodextrin and added solids in the highly advantageous coating mixture of the present invention. Claim 25 further limits the added solids to include particles formed from a farinaceous mixture from which the outermost farinaceous layer is also formed. Claim 26 further includes the steps, prior to the coating step, of grilling the food product to provide a desired appearance, and preparing the particles in a way that is intended to maintain the desired appearance when the food product is reheated. Applicants are unaware of these features in the prior art. The Examiner has admitted that Partyka fails to disclose the use of particles. In the event that the Examiner is relying on Official Notice, an appropriate showing is hereby requested.

Claim 27 recites a reheatable food product produced by the method of Claim 1. It is respectfully submitted that the art of record, in any reasonable combination, is devoid of such a product.

Turning now to the rejection of independent claim 28, as amended, a method is recited in which cooking the reheatable food product is performed to provide a desired appearance of the outermost surfaces. A coating mixture is mixed which is intended to cause the desired appearance of the product to be generally maintained as a result of exposure to a toaster environment including the step of adding particles to the mixture that are intended to enhance a post reheating appearance after the food product is reheated. At least portions of the outermost surfaces are then coated with the coating mixture. With regard to these limitations, the Examiner admits that Partyka fails to disclose the use of edible farinaceous particles. Applicants fail to appreciate how these limitations can be rendered obvious in the absence of any reasonable teaching or suggestion directed thereto. It appears to Applicants that the Examiner is relying on Official Notice in order to make out this aspect of the claimed combination. If this is the case, Applicants respectfully traverses the rejection on these grounds and request an express showing of documentary proof, or an affidavit, as required by MPEP § 2144.03, in the event the rejection is maintained on these grounds. Thus, for at least the foregoing reasons, Applicants believe that claim 28 is patentable.

Claim 29, as amended, is an independent claim which reflects the limitations of claim 1, but in apparatus form. Accordingly, the arguments made above with respect to the patentability of amended claim 1 over the Partyka reference are equally applicable with respect to the patentability of amended claim 29. For at least these reasons, allowance of amended claim 29 is respectfully requested.

Claims 30-45 each depend either directly or indirectly from and therefore include the limitations of amended Claim 29. Accordingly, it is respectfully submitted that each of these claims, as amended, is also patentable over the art of record for at least the reasons set forth above with respect to amended Claim 29. Further, each of these dependent claims places

additional limitations on their parent and intermediate claims which, when considered in light of amended Claim 29, further distinguish the claimed invention from the art of record.

For example, claim 31 characterizes the solid fat index while claim 32 requires that the high solid fat index lipid is applied to form the outer high solid fat index layer having a thickness in the range of approximately 0.0041 inch to 0.039 inch. Claim 33 recites a thickness of the layer as approximately 1/32 of an inch. It is noted that the Examiner has admitted that Partyka does not disclose the layer thickness or the layer itself. Moreover, in view of the foregoing discussions, it is submitted that Partyka is ineffective as a reference in the present context at least for the reasons that the Partyka hydrocolloid layer is unsuitable for the purposes and functions described in the context of the present application. At the same time, Applicants consider Partyka as teaching directly away from the present application, since his coatings are applied to inner rather than outermost surfaces.

As another example, claim 34 requires that the product includes dimensions suitable for reheating in an upright consumer toaster, while claim 35 recites that the reheatable food product has outermost major surfaces which include a width of approximately 3 3/4 inches and a height of approximately 3 1/2 inches. Additionally, claim 36 requires that the outermost farinaceous major layers include a thickness of approximately 5/16 inches. Claim 37 recites a filling arranged between a pair of the outermost farinaceous major layers in a sandwich form.

Claims 38 and 39, in combination, recite a sealant substantially surrounding the filling to bond the pair of outermost farinaceous layers to one another in a way that is intended to seal the filling between the outermost farinaceous major layers wherein the sealant is formed from a farinaceous paste. Claim 40 adds a further requirement that the farinaceous paste is a mixture of approximately 46% flour and 54% water by weight upon application to the opposing farinaceous slices. Applicants find no teaching or reasonable suggestion with regard to the use of a farinaceous paste in Partyka in this manner. In this regard, the Examiner admits that Partyka fails to disclose the use of a sealant comprising flour and water. The Examiner then states that Partyka teaches a different sealant material and suggests that it is known in the art to use flour as an adhesive and it would have been obvious to one of ordinary skill in the art to use alternative ingredients to carry out the same function. It appears to Applicants that the Examiner is relying on Official Notice in order to make out this aspect of the claimed combination. If this is the case, Applicants respectfully traverse the rejection on these grounds and request an express showing of documentary proof, or an affidavit, as required by MPEP § 2144.03, in the event the rejection is maintained on these grounds. Thus, for at least the foregoing reasons, Applicants believe that claims 38-40 are patentable.

Claim 41 depends directly from claim 29 and requires added solids in the high solid fat index layer. Claim 42 further recites that the additional solids include particles formed from a farinaceous mixture that is used to form the outermost farinaceous layer. Claim 43 depends directly from claim 42 and recites that the food product is grilled to provide a desired appearance of the outermost surfaces, and the particles include a particle appearance that is intended to maintain the desired appearance of the coated portions of the outermost surfaces when the food product is reheated in a toasting environment. Applicants are unaware of such combination of limitations in the art of record as well as the prior art as a whole. The Examiner admits that Partyka does not teach the use of edible farinaceous particles, but states that it would be obvious to add such particles to obtain different textures and taste. It appears to Applicants that the Examiner is relying on Official Notice in order to make out this aspect of the claimed combination. If this is the case, Applicants respectfully

traverse the rejection on these grounds and request an express showing of documentary proof, or an affidavit, as required by MPEP § 2144.03, in the event the rejection is maintained on these grounds. Thus, for at least the foregoing reasons, Applicants believe that claims 41 and 42 are patentable.

As another example, claim 44 recites a peripheral edge portion of the product made up of the outermost farinaceous layers in way that is intended to limit burning of the peripheral edge portions of the food product while reheating in a toasting environment. One exemplary configuration is shown in Figure 5 of the present application. This feature is considered to be highly advantageous and is heretofore unknown by Applicants with respect to the prior art.

Claim 45 recites that the coating mixture includes a hard butter, maltodextrin and particles formed from a farinaceous mixture from which the outermost farinaceous major layers are also formed. Applicants are unaware of these features in the prior art. Accordingly, allowance of claim 45 is respectfully requested. The Examiner has admitted that Partyka fails to disclose the use of particles. In the event that the Examiner is relying on Official Notice, an appropriate showing is hereby respectfully requested.

New claim 46 recites that the high solid fat index layer operates to transfer heat into the interior of the food product, during reheating, by melting and resolidifying in a way which limits toasting of the outermost surfaces while absorbing into the product. This claim reflects the limitations of claim 3, discussed above, but in apparatus form. Accordingly, the arguments asserted above on behalf of claim 3 are equally applicable with respect to new claim 46. Accordingly, allowance of new claim 46 is respectfully requested.

New claim 47 recites that coating is applied to the coated portion of the outermost surfaces at a rate of approximately 0.2 to 0.3 grams per square inch. This claim reflects the limitations of claim 8, discussed above, but in apparatus form. Accordingly, the arguments asserted above on behalf of claim 8 are equally applicable with respect to new claim 47. Accordingly, allowance of new claim 46 is respectfully requested.

For the foregoing reasons, it is respectfully submitted that all of the Examiner's objections have been overcome, including the § 112 rejections, and that the application is in condition for allowance. Hence, allowance of these claims and passage to issue of the application are solicited.

If the Examiner has any questions concerning this case, the Examiner is respectfully requested to contact Mike Pritzkau at 303-410-9254.

Respectfully submitted,



Jay R Beyer  
Reg. No. 37,913



## Supplement A

**A marked up version of amended claims 1-3, 20, 23, 26, 28-30 and 43 is presented immediately hereinafter.**

1. (once amended) In producing a reheatable food product including an outermost farinaceous layer defining one or more outermost surfaces, a method comprising the steps of:  
coating at least a portion of the outermost surfaces with a high solid fat index lipid mixture to form a high solid fat index layer on said portion of the outermost surfaces.
2. (once amended) The method of Claim 1 wherein said outermost farinaceous layer includes at least one of wheat, corn, rye, barley, rice, soy bean and potato flour for [use in] receiving said coating.
3. (once amended) The method of Claim 1 including the step of reheating the reheatable product in a toasting environment to cause the high solid fat index layer to transfer heat into the interior of the food product by melting and resolidifying in a [controlled] way which [to] limits toasting of the outermost surfaces while absorbing into the product.
20. (once amended) The method of Claim 19 further including the steps, prior to said coating step, of grilling said food product to provide a [particular] desired appearance of said outermost surfaces, and prior to dispersing the particles in the high solid fat index lipid mixture, treating said particles in a way that is intended to maintain said [particular] desired appearance of the coated portions of the outermost surfaces when the food product is reheated in a toasting environment.
23. (once amended) The method of Claim 1 further including the steps, prior to said coating step, of grilling said food product to provide a [particular] desired appearance, and formulating said coating in a way that is intended to maintain said [particular] desired appearance when the food product is reheated in a toasting environment.
26. (once amended) The method of Claim 25 further including the steps, prior to said coating step, of grilling said food product to provide a [particular] desired appearance, and preparing said particles in a way that is intended to maintain said [particular] desired appearance when the food product is reheated.
28. (once amended) In a method for producing a reheatable food product including an outermost farinaceous layer defining one or more outermost surfaces, said method comprising the steps of:  
cooking the reheatable food product to provide a [particular] desired appearance of said outermost surfaces;  
mixing a coating mixture which is intended to cause the [particular] desired appearance of the product to be generally maintained as a result of exposure to a toaster environment including the step of adding edible farinaceous particles to the mixture that are intended to enhance [said particular] a post reheating appearance [when] after the food product is reheated; and  
coating at least portions of the outermost surfaces with said coating mixture.
29. (once amended) A reheatable food product, comprising:  
one or more outermost major farinaceous layers each of which defines an outermost major surface coated with a coating mixture including a high solid fat index lipid to provide a high solid fat index layer on each outermost major

surface[s].

30. (once amended) The [method] reheatable food product of Claim 29 wherein said outermost farinaceous layer includes at least one of wheat, corn, rye, barley, rice, soy bean and potato flour.

43. (once amended) The reheatable food product of Claim 42 which is grilled prior to application of the coating mixture to have a [particular] desired appearance of said outermost major surfaces and said particles include a particle appearance that is intended to maintain the [particular] desired appearance of each of the outermost major surfaces with the application of the high solid fat index layer.